

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAMES McIVER,

Plaintiff,

vs.

FEZA TRANS LCC, ELVIN R. ANDUJAR-
ORTIZ, SCT TRANSPORTATION, LLC,
SMITH CARGO TRANSPORTATION LLC and
OCCIDENTAL FIRE & CASUALTY COMPANY
OF NORTH CAROLINA, ABC COMPANIES
1-10 AND JOHN DOE 1-5 (said
identity and names being
fictitious an unknown),

Defendants.

CASE NO.: 2:17-cv-11261

**MOTION TO DISMISS OF
DEFENDANT OCCIDENTAL
FIRE & CASUALTY COMPANY
OF NORTH CAROLINA**

Oral Argument Requested

NOW COMES, Defendant, Occidental Fire & Casualty Company of North Carolina, by and through its attorneys of record, Laura Dowgin, Joseph Ziemianski (*pro hac vice pending*), and Rafael Rivera, Jr. (*pro hac vice pending*), of the law firm Cozen O'Connor, and hereby moves this Honorable Court to dismiss this suit for Plaintiff James McIver's failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

This motion is made and based upon the attached memorandum of points and authorities, the accompanying Declaration of Rafael Rivera, Jr. and the exhibit annexed thereto, any and all pleadings on file herein, and any oral argument that this Court wishes to consider.

Dated this 1st day of February, 2019.

s/Laura B. Dowgin
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